REMARKS

As a preliminary matter, Applicant has amended the previously submitted response to address the notice of non-compliant amendment. In reply to the notice of non-complaint amendment, Applicant presents new remarks, which appear below under the heading "New Claims."

Claims 23-33, 35, 36, and 48-55 are pending, with claims 23, 29, 35, 36, and 55 being independent. Claims 1-22, 34, and 37-47 have been canceled. Claims 23, 29, 35, and 36 have been amended. Claims 48-55 have been added. The support for the new claims and the present amendments may be found in the application at, for example, page 13, line 16 to page 14, line 13. Now new matter is introduced by the present amendment.

Applicant would like to thank Examiner Al-Hashemi for the telephone interview conducted with the Applicant's representative, Babak Akhlaghi, on July 6, 2006. During the interview, the rejection of claim 23 as being unpatentable over U.S. Patent Number 6,820,802 ("Biggar") in further view of the U.S. Patent Number 4,816,654 ("Anderl"), and the rejection of claim 29 as being anticipated by the U.S. Patent Number 5,699,514 ("Durinovic-Johri") were discussed. In the following paragraphs, Applicant first addresses the rejection of claims 23-28 and 35 and then the rejection of claims 29-33 and 36, thereby incorporating that which was discussed during the interview.

A. Rejection of claims 23-28 and 35

Claims 23-28 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Biggar in view of Anderl. Applicant has amended claims 23 and 35 to obviate their rejections.

As amended, claim 23 recites a method for enabling a billing configuration that includes receiving first data regarding a communications characteristic. The method also includes retrieving second data indicative of a number of accounts associated with the communications characteristic, and retrieving third data indicative of a frequency of usage threshold that indicates a limit on a total number of accounts to be associated with the communications characteristic.

The method also includes comparing the second data to the third data, and, based on results of the comparison between the second data and the third data, enabling a billing configuration.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 23 because Biggar and Anderl, either alone or combined as proposed, fail to describe or suggest at least "retrieving second data indicative of a number of accounts associated with the communications characteristic and retrieving third data indicative of <u>a frequency of usage threshold that indicates a limit on a total number of accounts to be associated with the communications characteristic</u>" (emphasis added), as recited in claim 23.

Instead, as pointed out during the interview, Biggar relates to a system for enabling a consumer to activate his or her credit card through the Internet. Col. 1, lines 11-16. The consumer provides information identifying the account to be activated, such as a credit card account, to a service provider. Col. 4, lines 35-45. The service provider retrieves locally stored information identifying the account and compares the information received from the consumer to the locally stored information. Col. 4, lines 46-54. The service provider activates the account if the information received from the consumer matches the locally stored information. Col. 5, lines 28-55. Nowhere does Biggar describe or suggest "retrieving second data indicative of a number of accounts associated with the communications characteristic and retrieving third data indicative of <u>a frequency of usage threshold that indicates a limit on a total number of accounts to be associated with the communications characteristic</u>" (emphasis added), as recited in claim 23.

To illustrate the differences between the subject matter of claim 23 and the technology described by Biggar, a non-limiting example in the specification with reference to FIG. 3 notes:

> **if the received telephone number data is from an acceptable telephone number, the number of accounts already associated with that telephone number is determined and evaluated to determine whether it exceeds a threshold (step 325) (i.e. too many accounts associated with one telephone number). Application at page 14, lines 10-13.**

As shown above, Biggar's credit card activation approach is different than "retrieving second data indicative of a number of accounts associated with the communications characteristic and retrieving third data indicative of <u>a frequency of usage threshold that indicates a limit on a total number of accounts to be associated with the communications characteristic</u>" (emphasis added), as recited in claim 23.

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Furthermore, Anderl does not remedy the shortcomings of Biggar to describe or suggest the above recited features of claim 23. Anderl relates to an improved security system for a portable data carrier. Title. As such, Anderl does not remedy the failure of Biggar to describe or suggest "retrieving second data indicative of a number of accounts associated with the communications characteristic and retrieving third data indicative of <u>a frequency of usage threshold that indicates a limit on a total number of accounts to be associated with the communications characteristic</u>" (emphasis added), as recited in claim 23.

During the interview, the Examiner suggested that Anderl's teachings regarding limiting the number of consecutive unsuccessful logins to a specified number reads on the frequency of usage limitation of claim 23. Applicant has amended claim 23 to expressly indicate that <u>the frequency of usage threshold indicates a limit on a total number of accounts to be associated with the communications characteristic</u>, and notes that limitations on a number of consecutive unsuccessful logins as taught by Anderl fail to relate to or otherwise suggest limitations on a number of accounts to be associated with a communications characteristic, as now claimed.

Accordingly, Biggar and Anderl, either alone or combined as proposed, fail to describe or suggest "retrieving second data indicative of a number of accounts associated with the communications characteristic and retrieving third data indicative of <u>a frequency of usage threshold that indicates a limit on a total number of accounts to be associated with the communications characteristic</u>" (emphasis added), as recited in claim 23.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 23 along with its dependent claims.

Claims 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Biggar in view of Anderl and further in view of U.S. Patent Number 6,807,574 ("Partovi"). Partovi relates to "technologies for identifying and registering users using telephone identifying information and personalizing the content presented to them using a profile selected using the telephone identifying information." Col. 1, lines 60-64. As such, Partovi does not remedy the failure of Biggar and Anderl to describe or suggest all the features of the independent claim 23 from which claims 24-28 depend. Moreover, the Office Action does not rely on Partovi to teach

any of the features of claim 23. For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 24-28.

Claim 35 has been amended to include the above-recited features of claim 23 in the context of a system. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 35 for at least the reasons presented above with respect to claim 23.

B. Rejection of claims 29-33 and 36

Claims 29-33 and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Durinovic-Johri. Applicant has amended claims 29 and 36 to obviate their rejections.

As amended, claim 29 recites a method for enabling a user configuration. The method includes receiving data regarding a communication characteristic. The method also includes identifying a formatting characteristic of the data received, and comparing the formatting characteristic against format criteria. The method also includes determining whether the formatting characteristic of the data received satisfies the format criteria, and enabling a user configuration if the formatting characteristic of the data received satisfies the format criteria.

During the interview, the Examiner pointed out that Applicant argues, but fails to claim, that the user configuration is enabled if the formatting characteristic of the data received satisfies the format criteria. The Examiner agreed that incorporating such limitation into claim 29 would give weight to Applicant's previous arguments, and, in particular, to Applicant's previous argument that Durinovic-Johri does not disclose enabling user configuration if the format of the received data matches stored format criteria. Accordingly, Applicant has amended claim 29 to include this limitation. Specifically, the amended claim 29 recites a method for enabling a user configuration that includes, among other features, "enabling a user configuration if the formatting characteristic of the data received satisfies the format criteria" (emphasis added).

In addition and as pointed out in the Applicant's appeal brief, relevant sections of which are reproduced below (in block indented format) for the Examiner's convenience, Durinovic-Johri fails to describe or suggest "identifying a formatting characteristic of the data received" and "comparing the formatting characteristic against format criteria," as recited in claim 29.

In contrast, Durinovic-Johri describes an access control system that stores a primary code and a secondary code for each user that is authorized to access a resource. Abstract. The user may provide only the primary code to gain access to the resource when the user has submitted less than a first threshold number of invalid requests for access to the resource within a first threshold amount of time. An invalid request from the user is a request that includes an indication of the primary code that does not match an indication of the primary code that is stored by the access control system. After the first threshold has been exceeded, the user may be required to provide both the primary and secondary codes to gain access to the resource. If the user provides indications of the primary and secondary codes that do not match the indications of the primary and secondary codes that are stored by the access control system more than a second threshold number of times within a second threshold amount of time, the user may be denied access to the resource for a particular amount of time. However, through its disclosure of the above process, Durinovic-Johri fails to describe or suggest "identifying a formatting characteristic of the data received" and "comparing the formatting characteristic against format criteria," as recited in claim 29.

1. Durinovic-Johri fails to describe or suggest "identifying a formatting characteristic of the data received," as recited in claim 29.

The sections of Durinovic-Johri cited by the Final Office Action to describe "identifying a formatting characteristic of the data received," as recited in claim 29, actually describe determining whether to reset system state "based upon the time difference between the current time and the time at which the last failed access attempt occurred." Col. 4, lines 23-25. Therefore, the cited section of Durinovic-Johri does not describe or suggest that a formatting characteristic of the received data is identified, as alleged by the Final Office Action. In fact, the described determination of whether to reset system state does not depend on the received data or its format.

In response to Applicant's arguments in reply to Office Action dated March 1, 2005, the Final Office Action indicates that "the Durinovic-Johri discloses a typical format of records stored in a database represents information associated with a particular user requesting access Fig. 4, Col. 7, lines 21-25, Durinovic-Johri disclose the identifying the characteristic formatting." Final Office Action, page 6, lines 9-11. Applicant concedes that Durinovic-Johri describes a format of a database from which data is retrieved; however, it is clear that Durinovic-Johri nevertheless fails to describe or suggest identifying a formatting characteristic of <u>received data</u>. The format of the database that includes the received data is not a formatting characteristic of the received data itself. The format of the database identifies a location for the received data within the database, without indicating a formatting characteristic of the received data at the identified location. Moreover, even overlooking the distinction between the

format of a database that includes the received data and the formatting characteristics of the received data itself, Durinovic-Johri fails to describe or suggest <u>comparing the format of the database to format criteria</u> and enabling a user configuration based on results of such a comparison.

         2. Durinovic-Johri fails to describe or suggest "<u>comparing the formatting characteristic against format criteria</u>," as recited in claim 29.

        The Final Office Action cites to a substantive comparison performed by Durinovic-Johri of received content against stored content, and incorrectly suggests that this substantive comparison meets the claimed format comparison. <u>See</u> Office Action at page 5, lines 3-4. However, the portion of Durinovic-Johri referenced by the Final Office Action for this purpose (column 4, line 64 to column 5, line 5) describes a comparison of a received code against a stored code retrieved from a database, looking for an exact match between the two. <u>See</u> col. 7, lines 21-25 (illustrating an example of such a database including the stored codes). In doing so, Durinovic-Johri suggests comparison of the received content against nothing other than corresponding stored content, and does not disclose comparison of the format of the received content against the format of the corresponding stored content. Durinovic-Johri nowhere suggests access to format criteria, nor does it suggest a comparison of the formatting characteristics of data against such format criteria.

        The impact of differences between the technology described by Durinovic-Johri and the subject matter of claim 29 is perhaps best illustrated with an example. If we assume entry of 999-999-9999, Durinovic-Johri will compare some version of that numerical sequence to numbers that it maintains in its database. The presence of an exact match will inform some future action, and the absence of an exact match will inform some other future action. However, other than the presence or absence of an exact match between the numerical sequence, Durinovic-Johri does not suggest the existence of any other information to be gleaned from the received entry.

        By contrast, the subject matter of claim 29 is not limited to the existence or absence of exact matches between a received entry and stored information. Rather, that subject matter enables user configurations irrespective of the existence or absence of an exact match between a received entry and stored information. More pointedly, claim 29 recites that the format of an entry is compared against format criteria, and action is taken based on this format comparison, without regard for whether the entry matches some database content in substance. Thus, in the example above, it is not relevant to claim 29 whether or not a database entry exists with the numerical sequence 999-999-9999. Rather, and irrespective of the existence or absence of an exact match between a received entry and stored information, if the format of 999-999-9999 matches stored format criteria, user configuration may be enabled.

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not make a comparison of format. As illustrated above, Durinovic-Johri is therefore unable to determine whether to enable user configurations in the absence of a comparison of the substance of the data entered against the data stored, or in a situation where the received data that does not match the stored data has a compliant format. While neither of these particular scenarios is required by the claim, they illustrate the impact of differences between claim 29 and Durinovic-Johri.

Thus, Durinovic-Johri also fails to describe or suggest "comparing the formatting characteristic against format criteria," as recited in claim 29.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 29 along with its dependent claims. Claim 36 includes features similar to that of amended claim 29. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 36 for at least the reasons presented above with respect to claim 29.

New Claims

Claims 48-50 and 51-54 depend from independent claims 23 and 29, respectively. Applicant respectfully submits that claims 48-54 are allowable at least because of their dependency from independent claims 23 and 29.

The Office Action asserts that claims 48-54 are not supported by the arguments according to 37 CFR 1.111(b). Applicant respectfully disagrees. As pointed out above, claims 48-50 and 51-54 depend from independent claims 23 and 29, respectively and, as such, they include the distinguishing features recited in claims 23 and 29 and relied upon by Applicant to overcome the cited references. Accordingly, the arguments presented above with respect to claims 23 and 29 also apply to their dependent claims 48-50 and 51-54, respectively. For at least these reasons, Applicant requests reconsideration and allowance of claims 48-54.

Independent claim 55 includes features similar to that of claim 29 and is believed to be allowable for at least the reasons presented above with respect to claim 29.

The Office Action asserts that claim 55 is in independent format and the applied arguments are not applicable to it, thereby the Office Action requests an appropriate correction. To this end, Applicant notes that claim 55 includes, among other features, "<u>allowing the user configuration to be enabled if the formatting characteristic satisfies the format criteria</u>." This feature is similar to "<u>enabling a user configuration if the formatting characteristic of the data</u>

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received satisfies the format criteria," recited in claim 29 and previously relied upon by the Applicant to overcome the cited reference. As pointed out above, during the interview, the Examiner agreed that this feature would give weight to Applicant's previous arguments, and, in particular, to Applicant's previous arguments that Durinovic-Johri does not disclose enabling user configuration if the format of the received data matches stored format criteria. Accordingly, Applicant has included a similar feature in claim 55 to distinguish it over Durinovic-Johri. For at least these reasons, Applicant requests reconsideration and allowance of claim 55.

Conclusion

Again, Applicant would like to thank Examiner Al-Hashemi for her kind attention regarding this matter.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed to be due. However, please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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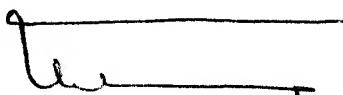
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